



US Army Corps  
of Engineers  
St Paul District

**APPLICANT:** Robert Kiszka  
Smart Sand, Inc.

# Public Notice

**ISSUED:** July 7, 2016  
**EXPIRES:** August 8, 2016

**REFER TO: MVP-2015-03176-SJW      SECTION: 404 - Clean Water Act**

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1. **APPLICATION FOR PERMIT TO:** discharge fill material into 2.48 acres of wetlands adjacent to an unnamed tributary to Bear Creek for the construction of a rail transload facility located along the Union Pacific rail line in the Town of Byron, Monroe County, Wisconsin.

2. **SPECIFIC INFORMATION:**

**APPLICANT'S ADDRESS:**

29499 U.S. Highway 12  
Tomah, Wisconsin 54660

**AGENT:**

Larry Koopman-Lampet-Lee &  
Associates

**AGENT'S ADDRESS:**

10968 Highway 54 East  
Wisconsin Rapids, Wisconsin 54494

**PROJECT LOCATION:** The project site is located in the SE ¼ SE ¼ of Sec. 36, T. 18N., R. 1E., Monroe County, Wisconsin. The approximate UTM coordinates are Lat: 43.96327, Lon: -90.40264. See attached figures labeled MVP-2015-03176-SJW: Page 1 of 5 through 5 of 5.

**DESCRIPTION OF PROJECT:** Smart Sand, Inc. has submitted a request for Department of the Army authorization under Section 404 of the Clean Water Act (CWA) for 2.48 acres of unavoidable wetland impacts associated with the construction of a rail transload facility in the Town of Byron, Monroe County, Wisconsin. The newly proposed transload facility would include four unit train tracks, six loading and storage train tracks, five manifest tracks, an overhead conveyor system, storage silos, and access roads. See attached figures labeled MVP-2015-03176-SJW pages 4 of 5 through 5 of 5.

**QUANTITY, TYPE, AND AREA OF FILL:** The proposed project would result in the discharge of fill material into 2.48 acres of wetlands adjacent to an unnamed tributary to Bear Creek. The wetlands within the review area are located within the Upper Mississippi Region Watershed (HUC # 07070003).

**VEGETATION IN AFFECTED AREA:** The proposed project would result in impacts to wetlands in 21 locations throughout the property. The locations of the following proposed wetland impacts can be found on the attachment labeled MVP-2015-03176-SJW: Page 4 of 5.

The following wetlands would be impacted as a result of the proposed project and are classified as PEM1 (Palustrine, Emergent, Persistent) type wetlands:

-Wetland 1A (0.04 acres)	-Wetland 2A (0.06 acres)
-Wetland 1B (0.05 acres)	-Wetland 2B (0.04 acres)
-Wetland 1C (0.14 acres)	-Wetland 5A (0.04 acres)
-Wetland 1D (0.04 acres)	-Wetland 5B (0.04 acres)
-Wetland 1E (0.38 acres)	-Wetland 5C (0.17 acres)
-Wetland 1F (0.18 acres)	-Wetland 5D (0.16 acres)

-Wetland 1G (0.01 acres)      -Wetland 6 (0.04 acres)  
-Wetland 1H (0.01 acres)

The following wetlands would be impacted as a result of the proposed project and are classified as combination of PFO1 (Palustrine, Forested, Broad-Leaved Deciduous), PSS1 (Palustrine, Scrub-Shrub, Broad-Leaved Deciduous), and PEM1 (Palustrine, Emergent Persistent) type wetlands:

-Wetland 24 (0.26 acres)  
-Wetland 25 (0.20 acres)  
-Wetland 26 (0.14 acres)  
-Wetland 28 (0.28 acres)  
-Wetland 29 (0.20 acres)

**SOURCE OF FILL MATERIAL:** Fill material utilized for the construction of the proposed project would be excavated from an on-site location and would consist of clean granular fill.

**SURROUNDING LAND USE:** Lands surrounding the project location primarily consist of undeveloped forested parcels used primarily for recreational purposes. In addition, rural residences and agricultural operations utilized for the production of cash crops and cranberries are located throughout the landscape.

**DESCRIPTION OF STRUCTURE:** The proposed project would result in the construction of a rail transload facility which would include 36,235 track feet (TF) of rail, an overhead conveyor line, access roads, and sand storage silos. Sand product, which would originate from the Smartsand Oakdale facility, would be hauled approximately four miles via truck to the proposed transload facility where it would be unloaded from trucks, transported on a covered conveyor to on site storage silos, and loaded into rail cars for shipment to customers throughout the country via the Union Pacific Railroad.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** Use of equipment such as loaders, bull dozers, excavators, and large trucks during the construction and operational phases of the proposed project could result in minor spills of gas, oil, fuel oil, and other petroleum products.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** The applicant would implement storm water and erosion control features, and best management practices (BMPs) would be implemented throughout the site in an effort to minimize secondary effects to water quality resulting from the proposed work. Such BMPs would include the utilization of buffer zones along all adjacent wetlands, the installation of silt fencing around the perimeter of all wetlands, the construction of protection berms where appropriate, and the utilization of erosion mat on all disturbed slopes.

**MITIGATION:** As compensation for the unavoidable loss of 2.48 acres of wetlands resulting from the proposed project, the applicant proposes to purchase 3.19 wetland mitigation credits from a Corps approved wetland mitigation bank. Specifically, the applicant proposes to purchase these credits from the H.G. Randall Wetland Mitigation Bank in Monroe County, Wisconsin. "In-kind" credits would be purchased at a ratio of 1.2:1, and "out-of-kind" credits would be purchased at a ratio of 1.45:1.

### 3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

If you have any questions about the project, please contact Sam Woboril in our Stevens Point (Plover) field office at (651) 290-5878 or via email at [samuel.j.woboril@usace.army.mil](mailto:samuel.j.woboril@usace.army.mil).

To receive Public Notices by e-mail, go to: [http://mvp-extstp/list\\_server/](http://mvp-extstp/list_server/) and add your information in the New Registration Box.

4. **FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.**

None were identified by the applicant or are known to exist in the permit area. However, Monroe County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
-Gray wolf (E)	-Northern forested areas.
-Northern long-eared bat (T)	-Caves, mines, and upland forests.
-Eastern massasauga (T)	-Open to forested wetlands/adj. uplands.
-Karner blue butterfly (E)	-Prairie/oak savanna and jack pine areas with wild lupine.
-Northern monkshood (T)	-North facing slopes.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. **JURISDICTION.**

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

6. **STATE SECTION 401 WATER QUALITY CERTIFICATION.**

This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for Section 401 water quality certification. A permit will not be granted until the Wisconsin Department of Natural Resources has issued or waived Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Jeffrey M. Olson  
Chief, Northeast Section



MVP-2015-03176-SJW



- Legend**
- Municipality
  - State Boundaries
  - County Boundaries
  - Major Roads
    - Interstate Highway
    - State Highway
    - US Highway
  - County and Local Roads
    - County HWY
    - Local Road
  - Railroads
  - Tribal Lands

1: 138,816

4.4 0 2.19 4.4 Miles

NAD\_1983\_HARN\_Wisconsin\_TM  
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DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

**Notes**

Sec. 35 and 36, T. 18N., R. 1E.,  
Monroe County, Wisconsin.





MVP-2015-03176-SJW



0.1 0 0.07 0.1 Miles

NAD\_1983\_HARN\_Wisconsin\_TM  
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- Legend**
- Municipality
  - State Boundaries
  - County Boundaries
  - Major Roads
    - Interstate Highway
    - State Highway
    - US Highway
  - County and Local Roads
    - County HWY
    - Local Road
  - Railroads
  - Tribal Lands

**Notes**

Sec. 35 and 36, T. 18N., R. 1E.,  
Monroe County, Wisconsin.



		FIGURE NO.	2
THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF WETLANDS & WATERWAYS LLC AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF WETLANDS & WATERWAYS LLC.			
<b>WETLAND LOCATION MAP</b>			
SMART SAND, INC. - BYRON RAIL Siding SEC. 36 & 36.1 T1N. 91E. TOWN OF BYRON, MONROE COUNTY, WISCONSIN			



WETLAND ANALYSIS		
WETLAND #	AREA (S.F.)	AREA (ACRS)
1A	2,148	0.049
B	2,738	0.063
1C	5,886	0.135
1D	1,643	0.038
1E	824	0.019
1F	0	0.001
2	394	0.009
3	8	0.000
5A	2,197	0.050
5B	14,383	0.330
5C	8,512	0.194
6A	1,098	0.025
6B	2,332	0.054
7	80	0.002
11A	76,606	1.759
11B	8,335	0.221
12	80	0.002
13	63,889	1.469
23	16,220	0.373
24	8,287	0.232
25	5,812	0.133
26	3,195	0.119
28	12,082	0.278
29	6,996	0.161
30	1,201	0.028
31	5,677	0.129

<b>SCALE NOTE:</b> IF YOU ARE VIEWING THESE PLANS IN AN 11"X17" SIZE THEY MAY BE HALF SCALE FROM THE ORIGINAL 24"X36" SIZE DRAWING AND THE DRAWING SCALE IS HALF OF THAT STATED. CHECK SCALE LEGEND BAR.	DATE: _____ BY: _____
	<input type="checkbox"/> <b>DRAWING OF RECORD</b>
	DATE: _____ BY: _____
	<input type="checkbox"/> DATE: _____ BY: _____
<b>DESIGNER: LARRY KOOPMAN</b> <b>DRAWN BY: PAT PAZUREK</b>	
<b>FIELD DATA BY:</b> DATE: _____ CHECKED BY: _____ DATE: _____	
<b>DWG. DATE: DEC. 21, 2015</b> <b>DWG. NO. 90066-N-1A-D</b> <b>PROJECT NO. 15-104</b>	
<b>PLAN SHEET SHEET _____</b>	
<b>1 OF _____ SHEETS</b>	
<b>ORIGINAL DOCUMENT BEARS AN EMBOSSED SEAL, OR A SEAL, STAMPED IN RED WITH AN ORIGINAL SIGNATURE AND DATE.</b>	

REVISIONS	
BY	DATE DESCRIPTION
JFF	2/9/76 ADDED LABELS

ESP GROUP INC.



10085 State Hwy. 54 East • Minneapolis Heights, MN 55444-0708  
 TELEPHONE 715-424-4331 • FAX 715-422-8774  
 e-mail: contact@espgrp.com or espgrp.com

**LAMPERT-LEE & ASSOCIATES**  
**ENGINEERS • SURVEYORS • PLANNERS**

**SMART SAND, INC.**

**PROPOSED UNION PACIFIC RAIL SIDING**  
**PROPOSED WETLAND IMPACT AREAS - OPTION 2**

**CALVERT**

**PROJECT**  
**TITLE:**

☐ **PRELIMINARY**  
 NET FOR CONSTRUCTION  
 DATE: 8/1/87

☐ **FOR REDDING ONLY**  
 DATE: 8/1/87

☐ **FOR CONSTRUCTION**  
 DATE: 8/1/87

☐ **DRAWING OF RECORD**  
 DATE: 8/1/87

DATE: BY:

**DESIGNER:** LARRY KOOPMAN  
**DRAWN BY:** PAT PADZUREK  
**FIELD DATA BY:**  
**DATE:**  
**DWG. DATES:** DEC. 21, 2010  
**DWG. NO.** 9806-1A-D  
**PROJECT NO.** 15-104

**PLAN SHEET**

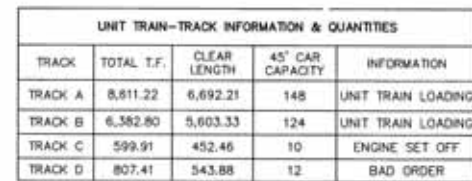
**1** OF **3**



**CAMP DOUGLAS, MONROE COUNTY, WISCONSIN**

TRACK	TOTAL T.F.	CLEAR LENGTH	45' CAR CAPACITY	INFORMATION
TRACK K	2661.74	1,032.22	22	DOUBLE ENDED I/C
TRACK L	6668.43	6076.50	135	LOOP TRACK
TRACK M	1195.52	1,045.37	23	STUBB ENDED I/C
TRACK N	1453.60	1,129.78	25	DOUBLE ENDED I/C
TRACK O	195.60	—	—	CROSS-OVER

TRACK	TOTAL T.F.	CLEAR LENGTH	45' CAR CAPACITY	INFORMATION
TRACK E	2,043.76	1,890.78	42	LOADING
TRACK F	2,330.59	883.09	19	LOADING
TRACK G	889.80	742.27	16	STORAGE
TRACK H	755.21	607.68	13	STORAGE
TRACK I	620.63	470.91	10	STORAGE
TRACK J	1,027.56	472.03	10	STORAGE



Truckers to Serve: SMART SAND INC.